

NUTTER, MCLENNEN & FISH, LLP
SEAPORT WEST
155 Seaport Boulevard
Boston, MA 02210-2699
Telephone: 617-439-2000 Main Facsimile: 617 310-9000

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Today's Date: 5/27/2010 9:20:16 AM

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TO: Examiner Schneider
FACSIMILE NUMBER: 571-270-8856

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SENDER'S INFORMATION:

FROM: Tarajee Pass
VOICE NUMBER: 617-439-2871

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From: Rory P. Pheiffer

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RECIPIENT	COMPANY	FAX NO.	PHONE NO.
Lynnsy M. Schneider	PTO	571-270-8856	571-270-7856

COMMENTS:

Re: Proposed Claim Amendments for U.S. Application Serial No.: 10/811,636

Dear Examiner Schneider,

Attached please find the proposed claim amendments for discussion during the telephone interview scheduled for June 1, 2010 at 11:00 AM EST. These amendments are for discussion purposes only and should not be entered.

Thank you,

Rory P. Pheiffer

1924369.1

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Application No. 10/811,636
Inventors: McDewitt et al.

Atty. Docket No.: 22986-692 (M1222USCNT2)
Examiner: Lynsey M. Schneider

PROPOSED CLAIM AMENDMENTS (NOT FOR ENTRY)
FOR INTERVIEW SCHEDULED FOR JUNE 1, 2010 at 11:00 AM

1. (Currently Amended) Apparatus for attaching tissue to bone comprising:
an expandable body defining a bore and configured to expand into bone, said expandable body comprising a distal tip member and a proximal main member, said distal tip member being of harder material than said proximal main member, said distal tip member having a threaded recess in a proximal surface thereof and said proximal main member having a distally extending threaded projection threadedly interengageable with the distal tip member recess; and
an expander pin comprising a shaft sized to be received in the bore of said expandable body and to expand said expandable body laterally when said expander pin is driven into said expandable body while said proximal main member and distal tip member are threadedly engaged; and
an insertion shaft slidably disposed in said bore of said expandable body and in a bore of said expander pin, the shaft being releasably attachable to the expandable body;
wherein, when said expander pin is driven into said expandable body, said expandable body is configured to attach to the bone.
2. (Previously Presented) Apparatus according to claim 1 wherein said expander pin includes a fastener stabilization apparatus for stabilizing said expander pin relative to said expandable body.
3. (Original) Apparatus according to claim 2 wherein said fastener stabilization apparatus comprises threads.
4. (Original) Apparatus according to claim 2 wherein said fastener stabilization apparatus comprises ribs.
5. (Previously Presented) Apparatus according to claim 1 wherein said apparatus further comprises a tissue attachment member having at least one laterally-extending projection for tacking tissue, whereby when said expander pin is driven into said expandable body, said tissue attachment member is configured to secure the tissue to said apparatus.
6. (Original) Apparatus according to claim 5 wherein said at least one laterally-extending projection has as substantially linear outer edge.

Application No. 10/831,636
Inventors: McDevitt et al.

Att'y. Docket No.: 22956-692 (M11222USCNT2)
Examiner: Lynsey M. Schneider

7. (Original) Apparatus according to claim 5 wherein said at least one laterally-extending projection has a substantially arc-like outer edge.
8. (Previously Presented) Apparatus according to claim 1 wherein said apparatus further comprises a tissue attachment member having a bore formed in said expander pin and a suture extending through said expander pin bore, whereby when said expander pin is driven into said expandable body, said tissue attachment member is configured to secure the tissue to said apparatus.
9. (Previously Presented) Apparatus according to claim 8 wherein said tissue attachment member is configured so that said suture may slide relative to said expander pin when said expander pin is received in said expandable body.
10. (Previously Presented) Apparatus according to claim 8 wherein said tissue attachment member further comprises a second bore formed in said expander pin and second suture extending through said second expander pin bore.
11. (Original) Apparatus according to claim 1 wherein said expander pin has indicia for indicating depth.
12. (Previously Presented) Apparatus according to claim 1 wherein said expandable body distal tip member is tapered.
13. (Previously Presented) Apparatus according to claim 1 wherein said expandable body includes a bone securement apparatus for securing said expandable body relative to bone.
14. (Original) Apparatus according to claim 13 wherein said bone securement apparatus comprises ribs.
15. (Original) Apparatus according to claim 13 wherein said bone securement apparatus comprises threads.
16. (Canceled)
17. (Canceled)

Application No. 10/811,636
Inventors: McDavitt et al.

Atty. Docket No.: 22956-692 (MIT222USCN12)
Examiner: Lynsey M. Schneider

18. (Currently Amended) Apparatus according to claim 16 wherein said insertion shaft and said expandable body are threadingly interengageable with one another.
19. (Currently Amended) Apparatus according to claim 16 wherein said insertion shaft has a tapered distal end.
20. (Currently Amended) Apparatus according to claim 16 wherein said insertion shaft extends distally beyond said expandable body when said shaft is slidably received in said bore of said expandable body.
21. (Original) Apparatus according to claim 16 wherein said apparatus further comprises a pusher member configured to drive said expander pin into said expandable body.
22. (Currently Amended) Apparatus according to claim 21 wherein said pusher member slides along said insertion shaft when driving said expander pin into said expandable body.
23. (Original) Apparatus according to claim 1 wherein said apparatus further comprises a cannulated driver assembly adapted to drive said expander pin into said expandable body.
24. (Currently Amended) Apparatus according to claim 23 wherein said cannulated driver assembly slides along a second shaft connected to said expandable body.
25. (Original) Apparatus according to claim 23 wherein said cannulated driver assembly includes a trigger for inducing the driving of said expander pin.
26. (Original) Apparatus according to claim 23 wherein said cannulated driver assembly comprises a slap hammer.
27. (Canceled)
28. (Canceled)
29. (Currently Amended) Apparatus for attaching tissue to bone comprising:
an expandable body configured to expand into bone, said expandable body defining a bore and comprising a distal tip member and a proximal main member being separable from one another;

Application No. 10/811,636
Inventors: McDevitt et al.

Atty. Docket No.: 22956-692 (MFT222USCNI2)
Examiner: Lynsey M. Schneider

an expander pin comprising a shaft sized to be received in the bore of said expandable body and to expand said expandable body laterally when said expander pin is driven into said expandable body;
and

an installation tool comprising a shaft slidably received in said bore of said expandable body and in a bore of said expander pin and configured to be releasably attached to said expandable body, the shaft having a distal end and a proximal end, said distal end extending distally beyond a distal end of the distal tip member of the expandable body;

whereby when said expander pin is driven distally into said expandable body, said expandable body is configured to attach to the bone.

30. (Previously Presented) Apparatus according to claim 29 wherein said expander pin includes a fastener stabilization apparatus for stabilizing said expander pin relative to said expandable body.

31. (Original) Apparatus according to claim 30 wherein said fastener stabilization apparatus comprises threads.

32. (Original) Apparatus according to claim 30 wherein said fastener stabilization apparatus comprises ribs.

33. (Previously Presented) Apparatus according to claim 29 wherein said apparatus further comprises a tissue attachment member having at least one laterally-extending projection for tacking tissue, whereby when said expander pin is driven into said expandable body, said tissue attachment member is configured to secure the tissue to said apparatus.

34. (Original) Apparatus according to claim 33 wherein said at least one laterally-extending projection has a substantially linear outer edge.

35. (Original) Apparatus according to claim 33 wherein said at least one laterally-extending projection has a substantially arc-like outer edge.

36. (Previously Presented) Apparatus according to claim 29 wherein said apparatus further comprises a tissue attachment member having a bore formed in said expander pin and a suture extending

Application No. 10/811,636
Inventors: McDevitt et al.

Atty. Docket No.: 22956-692 (M11222USCN12)
Examiner: Lynnsy M. Schneider

through said bore formed in said expander pin, whereby when said expander pin is driven into said expandable body, said tissue attachment member is configured to secure the tissue to said apparatus.

37. (Previously Presented) Apparatus according to claim 36 wherein said tissue attachment member is configured so that said suture is slidable relative to said expander pin when said expander pin is received in said expandable body.

38. (Previously Presented) Apparatus according to claim 36 wherein said tissue attachment member further comprises a second bore formed in said expander pin and a second suture extending through said second expander pin bore.

39. (Original) Apparatus according to claim 29 wherein said expander pin has indicia for indicating depth.

40. (Original) Apparatus according to claim 29 wherein said expandable body is provided with a tapered distal end.

41. (Canceled)

42. (Previously Presented) Apparatus according to claim 29 wherein said distal tip member and said proximal main member are threadedly interengageable with one another.

43. (Previously Presented) Apparatus according to claim 29 wherein said distal tip member and said proximal main member are frictionally interengageable with one another.

44. (Previously Presented) Apparatus according to claim 29 wherein said distal tip member is constructed from a first material and said proximal main member is constructed from a second material, and wherein said first material is harder than said second material.

45. (Previously Presented) Apparatus according to claim 29 wherein said expandable body distal tip member is tapered.

46. (Previously Presented) Apparatus according to claim 29 wherein said expandable body includes a bone securement apparatus for securing said expandable body relative to bone.

Application No. 10/811,636
Inventors: McDevitt et al

Atty. Docket No.: 22956-692 (MIT222USCNT2)
Examiner: Lynsey M. Schneider

47. (Original) Apparatus according to claim 46 wherein said bone securement apparatus comprises ribs.

48. (Original) Apparatus according to claim 46 wherein said bone securement apparatus comprises threads.

49. (Canceled)

50. (Canceled)

51. (Currently Amended) Apparatus according to claim 29 wherein said shaft of said installation tool and said expandable body are threadedly interengagable with one another.

52. (Currently Amended) Apparatus according to claim 29 wherein said distal end of said shaft of said installation tool is tapered.

53. (Canceled)

54. (Previously Presented) Apparatus according to claim 29 wherein said apparatus further comprises a pusher member configured to drive said expander pin into said expandable body.

55. (Currently Amended) Apparatus according to claim 54 wherein said pusher member slides along said shaft of said installation tool when driving said expander pin into said expandable body.

56. (Canceled)

57. (Canceled)

58. (Currently Amended) Apparatus according to claim 56 wherein said ~~annulated driver assembly~~ installation tool includes a trigger for inducing the driving of said expander pin.

59. (Currently Amended) Apparatus according to claim 56 wherein said ~~annulated driver assembly~~ installation tool comprises a slap hammer.

Application No. 10/811,636
Inventors: McDevitt et al.

Atty. Docket No.: 22956-692 (M/F22USCN12)
Examiner: Lynsey M. Schneider

60. (Original) Apparatus according to claim 5 wherein said at least one laterally-extending projection has a substantially convex configuration.

61. (Original) Apparatus according to claim 5 wherein said at least one laterally-extending projection has a substantially planar configuration.

62. (Original) Apparatus according to claim 5 wherein said at least one laterally-extending projection has a substantially concave configuration.

63. (Previously Presented) Apparatus according to claim 5 wherein said tissue attachment member further comprises at least one longitudinally-extending projection projecting distally out of said at least one laterally-extending projection.

Application No. 10/811,636
Inventors: McDevitt et al.

Atty. Docket No.: 22956-692 (MIT222USCNT2)
Examiner: Lynsny M. Schneider

**PROPOSED OUTLINE
FOR INTERVIEW SCHEDULED FOR JUNE 1, 2010 at 11:00 AM**

- Claims 1-15 and 18-26
 - Johanson fails to teach or even suggest the recited insertion shaft; K-wire (36) of Johanson is not releasably attachable to the alleged expandable body (4).
 - None of the secondary references remedy this deficiency of Johanson.
- Claims 29-40, 42-48, 51, 52, 54, 55, and 58-63
 - Johanson fails to teach or even suggest the recited shaft of the insertion tool; the alleged shaft, the K-wire (36), of Johanson is not configured to be releasably attached to the alleged expandable body (4).
 - None of the secondary references remedy this deficiency of Johanson.

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